

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
MEGAN C. HOFFMAN
3 Assistant Federal Public Defender
Nevada State Bar No. 09835
4 JONATHAN M. KIRSHBAUM
Assistant Federal Public Defender
5 New York State Bar No. 2857100
411 E. Bonneville Avenue, Suite 250
6 Las Vegas, Nevada 89101
(702) 388-6577
7 (702) 388-6261 (FAX)

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 CHRISTIAN WALKER,

11 Petitioner,

12 vs.

13 E.K. MCDANIEL, Warden,

14 Respondents.

2:04-cv-00929-KJD-LRL

**SECOND MOTION FOR STATUS
CONFERENCE**

15
16 The Petitioner, Christian Walker, through his attorneys, Megan C. Hoffman and Jonathan M.
17 Kirshbaum, hereby file this second request a status conference in this matter. This motion is based upon
18 the attached points and authorities and all pleadings and papers on file herein.
19
20
21
22

23 ///

24 ///

25 ///

26

27

28

1 **POINTS AND AUTHORITIES**

2 On October 29, 2012, the Ninth Circuit Court of Appeals remanded Christian Walker's (Walker)
3 case to this Court so that an evidentiary hearing could be held on Walker's claims of equitable tolling
4 of the AEDPA's statute of limitations based upon actual innocence. (Clerk's Record "CR" 41). The
5 Mandate was issued by the Ninth Circuit Court of Appeals on November 21, 2012. This Court issued
6 its "Order On Mandate" on November 27, 2012. (CR 45).

7 On March 13, 2013, Walker filed a motion requesting that this Court set the matter for a status
8 conference between the court and the parties to discuss the course of future proceedings. (CR 46.) To
9 date, Walker has received no order or response from this Court on his motion. This matter has also not
10 been set for an evidentiary hearing.

11 Walker is cognizant that, like the Federal Public Defender, this Court has also suffered from the
12 effects of the sequester and federal government shutdown. However, Walker respectfully requests that
13 this Court schedule a status conference as soon as possible in order to discuss such matters as setting a
14 timetable for discovery, as this case has been submitted for remand to this Court for nearly one year
15 without any action being taken.

16
17 DATED this 21st day of November, 2013.

18
19 Respectfully submitted,

20 LAW OFFICES OF THE
21 FEDERAL PUBLIC DEFENDER

22 By: /s/ Megan C. Hoffman
23 MEGAN C. HOFFMAN
Assistant Federal Public Defender

By: /s/ Jonathan M. Kirshbaum
JONATHAN M. KIRSHBAUM
Assistant Federal Public Defender

24
25 IT IS ORDERED THAT Status Conference is set for Wednesday, January 22, 2014 at 9:00 a.m. in
26 courtroom 4A.

27 Dated this 26th day of December, 2013

28 
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the office of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on November 21, 2013, she served a true and accurate copy of the foregoing to the United States District Court, who will e-serve the following addressee:

Thom Gover
Chief Deputy Attorney General
Office of the Attorney General
555 East Washington Ave. #3900
Las Vegas, NV 89101

/s/ Susan Kline
An Employee of the Federal Public
Defender's Office